

THE LAND ADMINISTRATION IN PERANG.

by :

MADARIAH BT. KHAID,  
DIPLOMA IN LAW , PART VI,  
INSTITUT TEKNOLOGI MARA,  
SERAJ ALAM, SELANGOR.

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LIST OF CASES.

1. Barry v. Heider [1914] 19 CLR
2. Chinese Bankers Trust Co. Ltd. v. Low Cheng Keat  
[1966] 1 MLJ 239, 241.
3. Chong Co. Sdn. Bhd. v. Pemungut Hasil Tanah  
[1977] from the record of Penang High Court.
4. Danodaran v. Vasudeva [1974] 1 MLJ 128
5. Frazer v. Walker [1967] 1 AER 649
6. Gibbs v. Messers [1891] A.C. 284
7. Ismail b. Ishak v. Hashim b. Cik Mat & Anor.  
[1913] 1 MLJ 385.
8. Lean Seng Chuan & Co. Ltd. v. Pemungut Hasil Tanah,  
Seberang Urai Selatan, [1976] from the record of  
Penang High Court.
9. Ejas Ali Qidurai & Ors v. Special Manager, Court of Wards,  
Balrampur Estate & Ors. - AIR [1935] A.C. 53.
10. Lim Mei Lee & Ors. v. Pemungut Hasil Tanah, Pulau Pinang,  
[1976] - from the record of Penang High Court.
11. Registrar of Titles v. Temenggong [1976] 2 WLR, 951;  
[1976] 2 MLJ 44 A.C.
12. Miller v. Minister of Mines [1963] A.C. 434
13. Re Hitchcock [1909] 17 W.N. (NSW) 62
14. Sharpness New Docks Co. v. A.G. [1915] A.C. 654.
15. Tan Kee Hooi v. Pemungut Hasil Tanah, Pulau Pinang [1974],  
from the record of Penang High Court.
16. Taylor v. Twinberrow [1933] 2 K.B. 16.
17. Teh Gan Kin & Ors. v. The Collector of Land Revenue,  
North East District, Penang, [1976] from the record of  
Penang High Court.

Section 3(4) of The Registration of Deeds Ordinance (Revised Laws, 1936); provided:-

"a purchaser of the land shall not be entitled to be deduced for a period of time of more than forty years or for a period extending back than a grant or lease by the late East Indian Company or the Crown, whichever period shall be shorter."

b. MORTGAGES.

A mortgage under the deeds system was effected by:-

- i. The mortgager conveying (or transferring) his legal estate to the mortgagee (the lender), and,
- ii. the mortgager obtaining an equitable interest in his land enabling redemption if he repaid on the due date.

Under this mortgage the mortgagee had the right to take possession of the land but it was usual to allow the mortgager to retain possession either by way of lease or by licence..

c. CONVEYANCE.

On the sale of land held under the deeds system, the execution of the formal conveyance acted to pass the legal estate of the vendor to the purchaser.

Several covenants were implied into conveyances, for example, quiet enjoyment, a right to convey, for a further assurance etc. These covenants were in effect promises under seal whereby the vendor agreed to ensure that the purchaser received a good title free from all encumbrances except those to which he took subject or with notice. A memorial evidencing the conveyance could be registered to make the conveyance admissible in any court as evidence of title to such land," but this registration merely acted as public record.

## CHAPTER 11.

### A. ADMINISTRATION.

The Yang Di Pertuan Agong may appoint a Commissioner of Land Titles and one or more Deputy Commissioners of Land Titles. The Commissioner the general directions and control of all officers. Every officers appointed is deemed to be a public servant.<sup>1</sup>

The Commissioner, a Deputy Commissioner and other officers appointed, shall have and may exercise the following powers:-

- a. To enter upon and have free access to any land in the Penang State, and to make enquiries and to do or cause to be done all things necessary for affecting the survey and demarcation of the boundaries of any such land.
- b. For the purpose of satisfying himself of the validity of any title or interest in land, or for any purpose, to call upon the holder (including the mortgagee, lessee, or any other person who may have an interest in land) of any title or interest in land, or any class or description of such holders, to produce for inspection by him any document of original title or other deed or document in his or their possession, to require any person to give the Commissioner information as to the whereabouts of any deeds or documents or as to the persons in whose custody they may be, and to take copies of or extracts from such deeds or documents.
- c. For the purpose of deciding the title to any holding, all the powers conferred upon and the benefit of all the assumptions entitled to be made by a purchaser of land under any pre-existing law.